

AO 441 (Rev. 5/85) Third Party summons in a Civil Action

United States District Court

Northern District of Oklahoma

STATE OF OKLAHOMA, ex rel., et al.
PLAINTIFF

v.
 TYSON FOODS, INC. et al.
DEFENDANTS AND THIRD-PARTY PLAINTIFFS

THIRD PARTY SUMMONS IN A CIVIL ACTION

CASE NUMBER: 05-CV-0329-JOE-SAJ

v.
 City of Tahlequah, et al.
THIRD PARTY DEFENDANTS

To: **Julie A. Cotherman individually**
P. O. Box 90,
Gore OK 74435

YOU ARE HEREBY SUMMONED and required to file with the clerk of this court and serve upon

PLAINTIFF ATTORNEY

Douglas Allen Wilson
 Melvin David Riggs
 Richard T. Garren
 Sharon K. Weaver
 Riggs Abney Neal Turpen Orbison & Lewis
 502 West 6th Street
 Tulsa, OK 74119-1010

DEFENDANT AND THIRD PARTY PLAINTIFFS ATTORNEYS:

A. Scott McDaniel
 Joyce, Paul & McDaniel PLLC
 1717 South Boulder, Suite 200
 Tulsa, OK 74119
 For Peterson Farms

Robert W. George
 Kutack Rock LLP
 The Three Sisters Building
 214 West Dickson Street
 Fayetteville, AR 72701-5221
 For Tyson Foods, Inc.

R. Thomas Lay
 Kerr, Irvine, Rhodes & Ables
 201 Robert S. Kerr Ave., Suite 600
 Oklahoma City, OK 73102
 For Willow Brook Foods, Inc.

Robert P. Redemann
 Lawrence W. Zeringue
 David C. Senger
 Perrine, McGivern, Redemann, Reid,
 Berry & Taylor, PLLC
 P. O. Box 1710
 Tulsa, OK 74101-1710
 For Cal-Maine Foods, Inc.

George W. Owens
 Randall E. Rose
 The Owens Law Firm, P.C.
 234 West 13th Street
 Tulsa, OK 74119
 For George's Inc.

John R. Elrod
 Vicki Bronson
 Conner & Winters, P.C.
 100 West Center Street, Suite 200
 Fayetteville, AR 72701
 For Simmons Foods, Inc.


an answer to the Third-Party Complaint which is herewith served upon you within **20 days** after the service of this summons upon you exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Third-Party Complaint. There is also served upon you herewith a copy of the Complaint of the Plaintiff. You have the option of answering or not answering the Plaintiff's Complaint *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the Third-Party Plaintiff is demanding judgment against you in favor of the original Plaintiff under the circumstances described in Rule 14(c) Federal Rules Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of Plaintiff as well as to the claim of the Third-Party Plaintiff.

MAR 15 2006

Phil Lombardi

Clerk

Date



(By) DEPUTY CLERK

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>3.21.2006</u>	
NAME OF SERVER (PRINT) <u>Elizabeth Trotta</u>	TITLE <u>Paralegal</u>	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the third-party defendant. Place where served: <input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input checked="" type="checkbox"/> Other (specify): <u>Certified Mail, Restricted Delivery</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct. Executed on <u>3.23.2006</u> <u>Elizabeth Trotta</u> <div style="display: flex; justify-content: space-between; width: 100%;"> Date Signature of Server </div> <u>1717 S. Boulder, Ste. 200, Tulsa OK 74105</u> <div style="display: flex; justify-content: space-between; width: 100%;"> Address of Server </div>		

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mail or on the front if space permits.

RESTRICTED DELIVERY

1. Article Addressed to:

Julie A. Cotherman,
Individually
PO Box 90
Gore, OK 74435

COMPLETE THIS SECTION ON DELIVERY

A. Signature <u>Julie A. Cotherman</u>	<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery <u>3-21-06</u>
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	

3. Service Type

- | | |
|--|--|
| <input checked="" type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail |
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail | <input type="checkbox"/> C.O.D. |

4. Restricted Delivery? (Extra Fee)

☒ Yes

7005 3110 0002 7876 0959

2. Article Number
(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Postal ServiceTMCERTIFIED MAILTM RECEIPT

Certified Mail Only; No Insurance Coverage Provided

For more information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ <u>6.15</u>	
Certified Fee	\$ <u>2.40</u>	
Receipt Fee (Required)	\$ <u>1.85</u>	
Delivery Fee (Required)	\$ <u>3.70</u>	
Fees & Fees		\$ <u>14.10</u>

Julie A. CothermanPO Box 90Gore, OK 74435

June 2002

See Reverse for Instructions